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possession of the public records in the hands of the Spanish officials, the Callava and Fromentin incidents, receive most thorough treatment. Regarding New Mexico the comment on the scope of Kearny's action, especially upon his proclamation incorporating New Mexico into the United States, is very good. Mr. Thomas shows clearly the inconsistent position of the government established by Kearny under his so-called Fundamental Law. The uprisings against the United States and the treason trials growing out of them are given comprehensive treatment.

Turning to California, we reach the most satisfactory portion of the book. The Fremont incident is well treated, and the pettiness, not to say the dishonesty, of that officer is fully demonstrated. The conflicting orders of the War and Navy Departments in regard to California are brought out most clearly. The question of the Pueblos' lands was a most difficult one on account of the changing policy that the Mexican government had adopted in regard to them, but Mr. Thomas gives a good outline of the question. The court of admiralty with Alcalde Walter Colton at its head receives thorough discussion. He questions the action of levying forced contributions on the town of Santa Barbara, and inclines to take the later opinion on that subject, which is against such action. On the other hand he overlooks the fact that similar action was taken long after the Mexican War, and that it was frequently used in the south during and immediately after the War of the Rebellion. The awkward position in which the military commanders were placed in regard to the establishment of civil government is well described.

In conclusion it may be said that Mr. Thomas has given a comprehensive outline of the government of territory acquired by the United States before the Civil War. His work in that field will undoubtedly stand the test of time, and it is questionable if other writers can add much to the results obtained.

A. H. CARPENTER.

Jerusalem under the High-Priests. By Edwyn Bevan. (London, Edward Arnold, 1904, pp. ix, 170.) This work is a companion volume to the author's admirable *House of Seleucus*; the two books cover nearly the same period, but in the present volume the interest centers in Jewish history. The period between Nehemiah and the New Testament, almost unknown to the general reader, yields in importance to no other in Hebrew history; in it were composed the greatest books of the Old Testament and the whole of the Apocrypha, and in it were formulated the tendencies that have ever since dominated the Jewish people. Mr. Bevan's picture of the period, while popular in style, is thorough and accurate in matter. Into his attractive narrative of political events he weaves a sketch of the development of Jewish thought, including therein notices of the Book of Daniel and of all the great Apocryphal works of the time except the Wisdom of Solomon; it would have added to the interest of his description if he had included also the other canonical books (Psalms, Job, Proverbs, Ecclesiastes). One of the

most noteworthy works of the period is Ben-Sira or Ecclesiasticus (about B. C. 190), a collection of ethical and other aphorisms and discourses, nearly allied to the canonical Proverbs, and much cited by the early Christian writers (it has a saying, XIII, 1, that may possibly throw light on Falstaff's reference, I Henry IV, II, 4, to "ancient writers" as authority for his observations on pitch); Mr. Bevan's account of the book is full and interesting. He properly devotes much space to the description of the great cultural event of the time—the invasion of Jewish society by Hellenism, including the attempt of Antiochus Epiphanes to Hellenize his realm. His analysis of this king's character differs a good deal from what has been the common opinion of him: Antiochus, he holds, was a statesman of no mean ability; his dream of unifying his world was noble and by no means absurd; if he wished to be worshiped as a god, this was nothing more than what the custom of the time conceded to kings; and, in fine, he was far from meriting the appellation "madman (Epimanes)" given him by his enemies. Other important points forcibly brought out by Mr. Bevan are: the character of Judas Maccabæus (whom he does not rate very highly), the results of the Hasmonean rule, the conflicts between the Pharisees and the Sadducees, and the policy and character of Herod. The volume is provided with an index and tables of the Hasmoneans and the Seleucids.

C. H. Toy.

The Reverend Samuel G. Green's *Handbook of Church History from the Apostolic Era to the Dawn of the Reformation* (New York and Chicago, Fleming H. Revell Company, 1904, pp. xii, 628) has some advantages for a student desiring a clear, well-defined outline of the subject with convenient chronological tables. The book can aid a learner in acquiring certain data, but will hardly furnish either a just view of persons who have fallen under ecclesiastical disfavor or a habit of search and construction which can be called scientific. The author is unnecessarily ready with suggestions of judgments, as, for example, in a comment on the fact that the persecuting emperors "rank in history among the best": "The reason is no doubt to be found partly in the false standards of excellence by which historians have judged."

F. A. C.

A History of England for Schools, from Earliest Times to Death of Queen Victoria. By Benjamin Terry, Ph.D., LL.D. (Chicago, Scott, Foresman, and Company, 1903, pp. xxvi, 622.) In point of scholarship, the merits and demerits of this volume are substantially the same as those of the author's previous *History of England* (1901), reviewed for this periodical in April, 1902 (VII, 543-545). Much of the same phraseology has been retained; but by a mingled process of omission, condensation, and careful rewriting, Professor Terry has succeeded in compressing his earlier and more advanced work into about

half its bulk, and thus producing for secondary schools a history both readable and useful.

Certain omissions were desirable to render the larger work available for secondary schools; others have been made at a minimum of loss. Among them are details concerning reigns and movements which were least influential in determining the final course of English history; descriptive passages which enhanced the vividness of the narrative but retarded its continuity and rapidity of action; military operations; and personal characterizations of unnecessary length. Continental conditions have been less fully described and the narrative made more purely English. The medieval period has been the most condensed.

The passages which deal with economic and literary subjects are practically repeated from the earlier work *totidem verbis*. Institutional history has also undergone comparatively few changes—a fact which makes the institutional element bulk even larger in the present book than in its predecessor. This is especially true of the medieval institutions, where the most important changes involve some simplification, a rearrangement of the chapter on feudalism, and the omission of certain technical details. The most serious defect is the absence of an adequate description of the way in which the House of Commons acquired its unique character and weight. The omission of an explicit statement of the Salic Law might also be challenged. In the realm of modern institutions changes are necessarily greater. Among the most important are the omission of the detailed account of papal legal claims on England, the explicit description of the Tudor administrative system, and certain details of the Act of Settlement.

In another edition the following points could be advantageously expanded: the relation of the battle of Bouvines to English constitutional developments; the danger to Elizabeth from assassination-plots; Burke's character and political importance; and, above all, an explicit statement of the Stuart theory of kingship. The volume contains some additional material in the way of special topics with bibliographies, and tables which illustrate the component parts of the modern cabinet and the modern Parliament, the judiciary system, and councils of local administration.

O. H. RICHARDSON.

Mediaeval Manchester and the Beginnings of Lancashire, by James Tait, M.A. (Manchester, University Press, 1904, pp. x, 211), is a welcome addition to the literature of English local history, not merely because it adds much to our knowledge of the early history of Manchester and Lancashire, but also because it displays a scientific method of treatment which is rare in this field of study in England, where most local histories are written by industrious antiquaries rather than by trained historians. The first four chapters give a succinct survey of the history of Manchester from the eleventh to the fourteenth century. The third chapter is particularly valuable, for here the comparative

method is adopted in a careful study of the charter granted to Manchester in 1301 by Thomas Grelley; the various clauses of this document are compared with the corresponding clauses of the charters of Salford, Stockport, and other boroughs. The fifth chapter traces the gradual process by which the county of Lancaster, one of the latest English shires, came into existence by the amalgamation of various districts; and the last chapter, which investigates the status of the Lancashire baronies, calls attention to the interesting fact that barons who held of mesne lords and not directly of the crown were commoner in the twelfth century than is usually supposed. Professor Tait shows that the first mention of a county of Lancaster occurs in the Pipe Roll of 1168-1169, and that its full recognition as one of the English shires dates from about 1194. His view that the term "baron", in the century following the Norman Conquest, may have been applied to all the military tenants of the great feudatories, though presented with diffidence, is worthy of careful consideration. Perhaps a study of the early baronage of France might throw some light on the subject.

CHARLES GROSS.

The Colchester Town Council display commendable zeal in making the ancient muniments of their borough more accessible to the public. With the sanction of the council the *Red Paper Book* was published in 1902, and by their order a volume was printed in 1904 entitled *The Charters and Letters Patent granted to the Borough of Colchester by Richard I and Succeeding Sovereigns*, translated by W. Gurney Benham (Colchester, R. W. Cullingford, 1903, pp. xv, 219). We are also informed that "the Red Parchment Book and other archives of Colchester are in course of publication". Mr. Benham gives a translation of the twenty-six charters of the borough. Of these, perhaps the most interesting is the grant made to the burgesses by Richard I in 1189. It allows them to elect their own magistrates or bailiffs, to be quit of toll throughout England, and to clear themselves in pleas before the king's justices by the old process of compurgation instead of by judicial combat. It also limits the power of the king to fine or amerce the townsmen, and anticipates a well-known clause of John's Great Charter regarding the determination of amercements by the oaths of the burgesses. Moreover, it empowers them to elect justices to hold pleas of the crown, and it has been contended that in this passage we have the earliest reference to coroners. The last royal grant, dated February 20, 1818, gives an interesting conspectus of various typical burghal privileges and institutions, such as existed in England before the Municipal Corporations Act of 1835. Much space has been wasted by reproducing certain medieval charters which are recited in the confirmations of later kings. Thus the translation of the charter of Richard I is printed in this volume eight times, and there are several translations of the charters of Henry III, Edward III, and Richard II. The money expended in these useless repetitions would have been much

better invested in the publication of the Latin texts of the medieval charters.

CHARLES GROSS.

Machiavelli and the Modern State. By Louis Dyer, M.A. (Boston, Ginn and Company, 1904, pp. xix, 163.) None of the fundamental problems concerning the great Florentine's thinking is treated in these pages. What we have is a series of remarks, some of them on Machiavelli and none on the Modern State, grouped rather fortuitously about three topics: "The Prince and Cæsar Borgia", "Machiavelli's Use of History", "Machiavelli's Idea of Morals". Mr. Dyer's conclusions on these points seem to be: first, that Machiavelli's inability to judge character accounts for his admiration of the famous brigand; second, that he read his Roman history in the light of the contemporary history of the Swiss; and lastly, that he was willing to resort to atrocious and ignoble means for the redemption of Italy because he was misled by a metaphor—the comparison between a diseased body and a corrupt state.

If all these verdicts were true, they would still leave the question of Machiavelli's own interest in the state and the other question of his influence on the history of politics untouched. Thus, what Machiavelli chiefly admired about Cæsar Borgia was his success, and when that was at an end the Florentine's interest was at an end, also. (Cf. his letters from Rome, October and November, 1503.) Again, why did not the fatal metaphor of the state as an organism similarly mislead John of Salisbury and Nicholas Cusanus, who both employed it with all its pathological implications, with even greater system than Machiavelli. Of course Machiavelli's history is selective, and was so a decade before he became especially interested in the Swiss (see the pamphlet *Dcl Modo di trattare i Popoli della Val di Chiana Ribellati*, 1502). Why?

The "brilliant allusiveness" of the style, the great number of irrelevancies, and the florid overtranslations are, perhaps, more easily pardoned in three lectures than they would be otherwise.

EDWARD S. CORWIN.

La Vita di Amerigo Vespucci a Firenze da Lettere Inedite a lui Dirette. Per Ida Masetti-Bencini e Mary Howard Smith. [Estratto dal vol. xiii e dal vol. xiv della *Rivista delle Biblioteche e degli Archivi*.] (Florence, L. Franceschini e C., 1903, pp. 39.) This collection of seventy-one letters written to Vespucci by his family, friends, and business connections in the years 1483-1491 has been transcribed from the originals in the Medici Archives in Florence. The editors have prefixed a sketch which recounts what is known of Vespucci's early life and incorporates their deductions from these letters. Among their deductions is the conclusion that Vespucci was employed as a kind of steward of the Medici household and not in the banking firm. The letters re-

veal a Vespucci, the authors believe, "Who, if not a hero of the human race or a great genius, was on the other hand no mere adventurer, as some foreign historians, particularly Americans, will have him." Vespucci's name in the address most commonly appears as Amerigo although the spelling Amerigho is not infrequent. It is twice Latinized as Emericus. Almerigho is used once.

Although these letters do not add greatly to our knowledge of Vespucci's life, they may lead to a softened judgment as to his character. In other respects, they are chiefly interesting as illustrating Florentine business and domestic life.

E. G. BOURNE.

The Epistles of Erasmus, from his Earliest Letters to his Fifty-first Year, arranged in order of time. English translations with a commentary by Francis Morgan Nichols. Vol. II. (New York, Longmans, Green, and Co., 1904, pp. xiii, 638.) This second volume of Mr. Nichols's translation of the letters of Erasmus contains the correspondence of the years 1509 to 1517, that is, from the writer's return to England from Italy to the outbreak of the Protestant Reformation. It maintains the level of excellence set in the first volume, which appeared in 1901 and was noticed in this REVIEW (VII, 548-549). But excellence of translation is not the chief claim of Mr. Nichols to the attention of Erasmian scholars. He is the first person to undertake, upon a basis of wide and accurate scholarship, a chronological arrangement of all the letters for this period which should make them more intelligible to the reader. In this attempt he had for parts of his work, it is true, two German forerunners, whose work he acknowledges and whose results he compares with his own; but his work has been done independently and his results vary considerably from theirs. The principles of his chronological order for all the letters in both volumes were set forth in the first, so that the second now before us is of less importance in this respect. The letters here given are those considered by Max Reich in his dissertation of the year 1896 with a few additions from English sources. They include the most important single letters, for example, that to Prior Servatius of July, 1514, and that to "Grunnius", which Mr. Nichols places as probably written in August, 1516. These two letters, on which pretty much the whole of the traditional biography of Erasmus is based, are brought into serious question by Mr. Nichols's criticism. He admits with hesitation the genuineness of the former and distinctly regards the latter as a genuine fabrication—if we may use the word—that is, he thinks it was written by Erasmus, but to a fictitious person and designedly so constructed as to gain a point in his suit for favor at the papal court. Its weight as serious biographical material is therefore obviously diminished.

The running commentary occupies proportionally less space in this volume, but is sufficiently full to show the relation of the letters to the general course of events which called them forth. An appendix

gives for the first time the original text of several short familiar letters to English correspondents on matters of no great importance. On the whole this volume fairly maintains the interest roused by the first and must be regarded as a highly important contribution to the whole subject of the New Learning.

E. E.

Bygone London Life, Pictures from a Vanished Past, by G. L. Apperson, I. S. O. (New York, James Pott and Company, 1904, pp. xii, 170), is an industrious collection of odds and ends illustrative of the life of London in the seventeenth and eighteenth centuries. The author has evidently depended for both matter and illustrations on Ashton's *Social Life in the Reign of Queen Anne* and other standard authorities. The especial value of Apperson's treatment is the literary point of view. The restaurants and coffee-houses, and their frequenters, the swells and beaus and macaronies, are depicted by aid of the memoirs, letters, and society verse of that day. The effect is much like that of a visit to one of the quaint old museums described in chapter iv. Fashionable London of two centuries gone is as alien to Londoners of to-day as are the wax figures of Madame Tussaud's collection. The life of a great metropolis is artificial at best, with a perversity that grows by what it feeds on. Existence beyond the city gates, the normal occupations and rustic joys of the provinces, are dull past endurance. The fashionable Londoner of Addison's day knew nothing of the spiritual awakening heralded by the Wesleys, nothing of the industrial revival consequent on the invention of the spinning-jenny and the power-loom. His horizon was bounded by the chimney-tops.

The latter-day Englishman is a peculiarly nature-loving creature, and his country house is a truer exponent of his intellectual and social life than the house in London. The young gentleman ambitious of social favor devotes himself to cricket, tennis, and politics, and gives more attention to conversational resources than to clothes. In nothing, perhaps, is the contrast between eighteenth-century and twentieth-century Londoners more clearly seen than in the attitude toward the unprivileged classes. Eighteenth-century literature concerns itself with the proletariat only as they served the needs of fashionable society—the drawers, the linkboys, the shoeblocks, the town-criers, the watermen. The development of a social conscience has rendered impossible the lawlessness and insolence of the “bucks and bloods” of Fleet Street. Concern for the order and cleanliness of the city has become the dominant note in London politics. A man like Charles James Fox would have been at home in the England of to-day. Born in the eighteenth century, a macaroni of the macaronies, the splendid Radical wasted his genius in senseless dissipation. Nothing in the gayety or charm of the London of the Georges can atone for the inevitable waste of human souls.

KATHARINE COMAN.

Le Grand Bureau des Pauvres de Paris au milieu du XVIII^e Siècle. Contribution à l'Histoire de l'Assistance Publique. Par Léon Cahen. [Bibliothèque d'Histoire Moderne. Volume I, Fascicule III.] (Paris, Société Nouvelle de Librairie et d'Édition, 1904, pp. 80.) The archives of the *Grand Bureau des Pauvres* were destroyed by fire in 1871, but there remain a number of documents illustrating its history among the Joly de Fleury papers in the Bibliothèque Nationale. Several members of the Joly de Fleury family filled the office of *procureur général* during the eighteenth century, and since public charity was a matter of police these papers were collected in the course of the official duties of the *procureur* as supervisor of charitable institutions. They form the foundation of the interesting study which M. Cahen has made of the organization, activity, finances, and abuses of one of the most prominent agencies for poor relief in Paris under the *ancien régime*. The *Grand Bureau* comprised three separate establishments: the bureau proper, which granted a weekly pittance as out relief to a limited number of aged persons; the *Hospice des Petites Maisons*, which received the very aged, some diseased, and the insane; and finally the *Hospice de la Trinité*, an orphan asylum which gave industrial training outside of gild control. The poor of the industrial and mercantile classes were the chief beneficiaries; the administration was inelastic and burdensome, since the services of the *commissaires des pauvres* were gratuitous but compulsory; the poor tax was inequitably assessed; the relief given was meager and the conditions of grant and discipline were strict. But the facts presented scarcely justify the epithet of "charité inique" which the author applies. The principles of relief and administration which to M. Cahen appear curious and unusual offer nothing unfamiliar to a student of the history of organized public charity during this period. Nevertheless this clearly written monograph is a useful contribution to the subject.

EDWIN F. GAY.

A Later Pepys. Edited by Alice C. C. Gaussen. (New York, John Lane, 1904, 2 vols., pp. xi, 425; ix, 414.) The letters included in these two handsomely bound and finely illustrated volumes have been selected from the correspondence of Sir William Pepys between the years 1758 and 1825. Sir William Pepys was a descendant of the elder branch of the family to which Samuel Pepys belonged, and was generally well-known in the latter part of the eighteenth century as a friend, and in some cases the intimate, of distinguished literary characters of the period. His letters are therefore primarily of literary interest, very little reference being made in them to ordinary political or social conditions of the times, even the stirring events of the Revolutionary and Napoleonic wars receiving but scant notice. As for the letters themselves, they have so little in common with the diaries of Samuel Pepys that the title chosen by the editor seems a misnomer. No doubt Sir William Pepys was "A Later Pepys", but the name of Sir William's

more distinguished relative has come to mean a body of historical source-material on the reign of Charles II, rather than the name of a man, while these letters practically contain no such material whatever for any period, save in relation to literature. The only direct historical interest is in the occasional references to contemporary historical writers and criticisms upon them. The naïve candor of the earlier Pepys is wholly lacking in these later letters, for they are very formally and painstakingly composed. Yet in spite of this they frequently do present some striking incident, or some intimate characterization of figures in the field of contemporaneous literature. In this connection alone are they valuable for the student of history.

E. D. ADAMS.

The Provincial Committees of Safety of the American Revolution. By Agnes Hunt, Ph.D., Associate Professor of History, Wells College, formerly Instructor in History, College for Women, Western Reserve University. (Published from the Income of the Francis G. Butler Publication Fund, Western Reserve University, Cleveland, 1904, pp. 180.) Every year it is becoming clearer that a satisfactory general history of American society must rest on the basis of a precedent monographic literature which shall exhaustively examine every part of the original evidence. In particular the dissertations and other academic monographs—the worthy product of the quarter of a century of American graduate study—are discharging a very important scientific function. Already through their aid the foundations of a true national history are being laid. Nowhere has such microscopic research shed more light or exposed more error than in the field of the American Revolution. We are really beginning to have some accurate knowledge of the origins of our national institutions.

To this class of investigations has now been added Dr. Hunt's careful examination of the committees of safety. It is significant of the slow progress of inquiry that hitherto these executive bodies, so vitally important in the organization and direction of the Revolution, have never received special treatment. The present work comprises five chapters. In the first three the committees or councils of safety in the New England, the middle, and the southern colonies respectively are dealt with; the fourth presents a general view of the character and work of these bodies; while the fifth and last seeks their origin in preceding English and colonial experience. The investigation rests almost wholly upon the sources; and the result is thoroughly enlightening for many important questions connected with the struggle for independence. Thus we are able to contrast the good results of the humane, even magnanimous treatment of the Tories in New Hampshire and Connecticut with the bad results of the contrary policy pursued in New York. Especially instructive is the disclosure of the close relation existing between these provincial and state executive bodies and the various town, county, or other local committees. "In the heat of common enthusiasm

and patriotism the parts were welded for a time. If the Revolution had been merely the plan of a few leaders, it would have been impossible for it to have made headway, since voluntary co-operation was the source of whatever unity existed." Moreover, after the commencement of hostilities, the committees of safety "replaced to some extent the old committees of correspondence"; and it is not the least service of this helpful monograph to have shown that "in a much larger degree than is often realized" the success of the Revolution depended upon their work.

The text is supplemented by a useful bibliography and a comparative "Table of the Powers of the Committee of Safety" for all the provinces.

GEORGE ELLIOTT HOWARD.

La Fayette dans la Révolution, 1775-1799. Par Henri Doniol. (Paris, Armand Colin, 1904, pp. 139.) This is a republication in book form of the author's article "La Fayette avant l'Année 1800", which appeared a few months since in the *Revue d'Histoire Diplomatique* (XVII, 489-532); it comprises a brief study of two phases of Lafayette's career: his part in the American Revolution, and his attitude toward the French Revolution.

In reviewing Lafayette's part in the American Revolution, M. Doniol simply summarizes the conclusions he arrives at in his *Histoire de la Participation de la France à l'Etablissement des États-Unis*. Lafayette's desire to fight the English, "cette insolente nation" (p. 45), is emphasized as the motive of his American adventure, rather than enthusiasm for liberty (yet cf. *Mémoires, Correspondance*, etc., letter of May 30, 1777, to Mme. de Lafayette). Indeed, it is probable, according to M. Doniol, though not certain, that Lafayette intended to promote the Comte de Broglie's scheme of a stadholderate for himself in the revolted colonies. The attempts of the French government to prevent Lafayette's departure for America were so much pretense (p. 23). Lafayette was the author of Rochambeau's expedition in 1780.

The second part of M. Doniol's study was occasioned by the appearance of the *Correspondance Inédite de La Fayette, Lettres de Prison, Lettres d'Exil, 1793-1801*, by Jules Thomas (Paris, 1903). Upon his return to France during the consulate, Lafayette had set about collecting these fugitive bits of correspondence, with a view of publishing them. Thus would he justify himself to his countrymen, many of whom regarded him as a traitor to the Revolution; thus would he replenish his purse. The intervention of the empire removed the urgency of the former motive, and in 1812 Romeuf, to whom had been assigned the rôle of editor, perished at Moscow. The manuscript was not recovered for the *Mémoires, Correspondance et Manuscrits* of 1837-1838, though much of its matter was supplied from other sources. M. Doniol is interested in the newly recovered documents because he thinks they refute the charge that Lafayette wished to keep the Revolution *bourgeois*

and monarchical (pp. 66-67). It is doubtful, however, if the few sentences that M. Doniol is able to muster for his purpose (pp. 108-112) suffice to overthrow the impression created by Lafayette's conduct from May, 1789, to August, 1792. It might be wished that M. Doniol had connected the two parts of his study with an attempt to show the effect that Lafayette's American experience had upon his later career at home. The reference to "9 thermidor 1793" on page 74 is doubtless to 9 Thermidor, 1794.

EDWARD S. CORWIN.

The Writings of James Madison. Edited by Gaillard Hunt. Volume V, 1787-1790. (New York and London, G. P. Putnam's Sons, 1904, pp. xvi, 461.) Mr. Hunt's third and fourth volumes, consisting chiefly of Madison's notes of debates in the Federal Convention, brought us down to the date of its adjournment in September, 1787. The present volume carries us but two years and a half farther. So fully has this important period in Madison's life been already illustrated, that of a hundred and eight letters printed by Mr. Hunt there are only a dozen that have not been printed before. The old letters call for no comment here. Of the new, six come from the Madison Papers, two from the collections of the New York Public Library, two from the Virginia Historical Society, one from a North Carolina source, and one, a letter of some interest written to Philip Mazzei, was once the property of Guizot and is now in a private collection in Berlin. Those of the new letters which are addressed to the father and brother of Madison are not of much importance. Those to Archibald Stuart are distinctly interesting; e. g., there is a present-day interest in the judgment (p. 417, note), apropos of the writer's desire that senators should be better paid than members of the House, that "with equal emoluments the ablest men will prefer the House of Representatives, and the Senate will degenerate into an unfitness for the great dignity of its institution". Interesting also is a letter to Henry Lee setting forth the advantages of the town-site at the Great Falls of the Potomac (pp. 321-324). The letter to Mazzei (pp. 267-269), after a brief defense of Madison's support of the new Constitution, gently leads his correspondent away from the suggestion he had apparently advanced, that he might be usefully employed as minister of the United States to the Netherlands or Italy.

Madison's speeches in the Virginia Convention occupy nearly a fourth of the volume. His speeches in the first two sessions of the First Congress, running to nearly as great extent, are also given. They are reprinted from the *Annals of Congress*, though it seems likely that the sources used for that compilation are still available.

The journals of the House of Delegates for 1787 being in print, it is not necessary to search in manuscripts for the important resolutions of October 31, quoted here on page 51. Page 252, line 4, Gilpin's reading "unadvised" makes better sense than "unavoided". The letter

to Pendleton printed on page 405 is listed in the table of contents as addressed to Randolph. Mr. Hunt's annotations are apposite and intelligent.

J. FRANKLIN JAMESON.

Wellington, Soldier and Statesman, and the Revival of the Military Power of England. [Heroes of the Nations.] By William O'Connor Morris. (New York and London, G. P. Putnam's Sons, 1904, pp. xix, 398.) This is a hopelessly mediocre book. To do him justice, the author does not put forward any pretension to exact scholarship, and has apparently not even read Wellington's despatches, confining himself to Colonel Gurwood's selection. He is at his best when he contents himself with adopting a sound authority, as for instance between Vimeiro and Talavera, where he generally follows Professor Oman. The book has not even the redeeming feature that is to be found in some attempts to popularize history—a correct, agreeable, and lucid style. Judge Morris's account of the Peninsular War is not, even in that respect, to be mentioned in the same breath with that of Professor Oman. His looseness, superficiality, and inaccuracy appear at their worst in the account of the Waterloo campaign. As examples of his historical and literary methods, four short quotations taken from two consecutive pages (191, 192) may be cited: they refer to Napoleon's retreat from Russia and to his preparations for the campaign of 1813: "He left the wrecks of his army at Smorgone, conduct of at least a questionable kind, and gave the command to Murat, a bad choice; the retreat went on as before to Wilna. . . . Murat lost his head and had only one idea, flight. About the middle of December some 20,000 spectres crossed the Niemen in little knots. . . ." In all this nearly every detail requires correction. A little lower down the page we come to the following cryptic utterance: "York, a general of the Prussian contingent, abandoned Macdonald with his soldiers to a man." On the next page comes this astounding and totally false statement, referring to Napoleon's efforts to form a new army in 1813: "but he was earnestly seconded by the will of a united people, as strongly expressed perhaps as in 1792-93". Three lines lower we get this delightful Hibernianism: "At the same time he restored the artillery he had lost." To criticize a book of this character in extenso in this review is unnecessary; it cannot be recommended even for the instruction of the general public and school-boys.

R. M. JOHNSTON.

P. Coquelle's *Napoléon et l'Angleterre, 1803-1813* (Paris, Plon-Nourrit et Cie., 1904, pp. iv, 295), is a diplomatic history based on unprinted material in the Paris archives and the British Foreign Office. The book is not without popular tendencies. A symptom of them is the division of the comparatively small volume into no less than thirty-seven chapters. The work in fact is not for students or scholars alone. It is addressed to all interested in the Napoleonic time. The characteristic feature of the book is that the author, unlike most French his-

torians, ascribes uniformly to Napoleon the failure of his negotiations with England. Without depreciating the author's case against Napoleon, one may note that converts have a tendency not absent here; the pendulum has swung too far. Even to English readers M. Coquelle at times, were he less convinced, would be more convincing. Concerning the rupture of the Peace of Amiens he adduces seven unprinted, confidential letters of Andréossy. The first was written in January, and the last in April, 1803. Repeatedly in them the ambassador assured Napoleon that England desired peace. These assurances may account in part for the rupture. They would tempt Napoleon, if not zealous of peace, to press claims that jeopardized a settlement. The negotiation of 1806 culminated in Lord Yarmouth's *projet* of July 31, which yielded Sicily. The *projet* was printed after sixty years, in the *Correspondance de Napoléon*. At the time it was omitted from the published papers of the negotiation by both England and Napoleon. Apparently they feared to admit, the one, that she had made so good an offer, the other, that he had refused it. With Napoleon the negotiation practically ended when he learned in September that Alexander would not ratify the separate peace with Russia signed by d'Oubril at Paris, against Lord Yarmouth's protest, on July 20. Lefebvre's view, that Lord Lauderdale's mission in Paris was to curb pacific tendencies in Yarmouth, the author rejects with reason. In Parliament Lauderdale had been a champion of peace, and to this fact was due his failure of reëlection as a representative peer of Scotland. He was not a diplomat. As a souvenir of their failure to restore peace he offered the French negotiator a sword of English manufacture. Champagny, with almost as little tact, declined it. The Austro-Russian attempts at mediation in 1807, here discussed at length, ended in Starhemberg's withdrawal from London in January, 1808. England insisted, not unreasonably, that the proposed negotiation should take place elsewhere than in Paris. Ten months later Napoleon yielded the point in his overture after Erfurt. He even invited England to bring to a negotiation her allies. Canning's reply proposed to include delegates of the Spanish insurgents, an interpretation of the overture equivalent with Napoleon to its rejection. The book concludes with the secret negotiations of 1810 and the negotiations at Morlaix in the same year. The former, initiated by Fouché without Napoleon's knowledge, ended in the minister's disgrace; those at Morlaix were an unsuccessful attempt to arrange a general exchange of prisoners.

George Canning. By W. Alison Phillips. (New York, Dutton, London, Methuen, 1903, pp. xi, 185.) The author of this brief biography has drawn his information wholly from old and well-known sources and secondary works, and even in this field it is evident that his study has been but cursory for the earlier part of Canning's career. In particular he underestimates the importance of Canning's relations with America in connection with the orders in council, and makes

several absurd errors in fact and in generalization. Thus the *Chesapeake* appears as a merchant-vessel offering armed resistance to a British war-vessel; Erskine is confused with Rose as a special negotiator on points in dispute between the United States and England; and American purpose is depicted as "the playful policy of 'twisting the lion's tail'". Instead of recognizing, as have most English writers, the insulting arrogance displayed by Canning toward the United States, the controversies between the two countries are regarded as "annoyances arising from the aggressive attitude of a young nation as ignorant, as it was intolerant, of the traditional code of international courtesy" (p. 72). This sounds more like the judgment of a contemporary partizan than of a careful biographer. But when Mr. Phillips comes to Canning's last ministry, he manifests a very clear grasp of essential facts and purposes. The conditions of English and European diplomacy from 1822 to 1827 are here treated simply yet thoroughly, while the interesting thesis is maintained and apparently proved that Canning's actions in regard to Spain, the Spanish colonies, and Greece were dictated by no tendency toward liberalism, but by a peculiarly insular patriotism. Far from having any enthusiasm for the cause of Greek independence, Canning, Mr. Phillips thinks, would have deeply regretted the escape of that country from the domination of Turkey, had he lived to see it. His horizon was bounded by British interests. "Sentiment had but little place in his nature. It had none in his policy." In form, arrangement, and style the book is excellent.

E. D. ADAMS.

Several volumes, VII-XII, of *Early Western Travels*, edited by R. G. Thwaites (Arthur H. Clark Company) have recently appeared. The first of these contains a reprint of the original edition (London, 1849) of Alexander Ross's *Adventures of the First Settlers on the Oregon or Columbia River*. Ross, as the editor tells us, was a Scotchman who, in 1804, set out to seek his fortunes in Canada. In 1810 he embarked with the Astorian expedition, and, upon arriving at the Columbia river, was assigned to a post in the interior. Here, for the three years (1810-1813) covered by his account, he studied the Indian language and characteristics and wrote much in his journal. The narrative, as we have it, was based on the journals kept at the time, but it was not published until 1849. It supplements, as a source for the history of the first attempt to colonize for the United States the northwest coast, the narrative of Gabriel Franchère, published in volume VI of this series. Ross's interest in topography was slight, but the account contains much of ethnological value. Its chief importance, however, is for the story of the Astorian expedition. Volume VIII contains two reprints: *Voyages, Travels and Discoveries of Tilly Buttrick, Jr.* (Boston, 1831), and *A Pedestrian Tour, of Four Thousand Miles, through the Western States and Territories, during the Winter and Spring of 1818*, by Estwick Evans (Concord, N. H., 1819). The first of these covers the years

1812-1819, and is the narrative of travels through New York, down the Allegheny and Ohio to Cincinnati; from Kentucky down the Mississippi to New Orleans; and north over the Natchez trail. The hardships of pioneers, the devastations of the War of 1812, the conditions of life along the rivers—all are vividly portrayed. Evans's tour led him from New Hampshire to Detroit, down the Allegheny, Ohio, and Mississippi to New Orleans, and home by sea. He was "keenly alert for all manner of information that bore upon the war, the state of agriculture, the topography and settlement of the country, and the general industrial conditions". Volume IX contains *Letters from America* (1818-1820), by James Flint (Edinburgh, 1822). Flint was a Scotchman of education who came to America for the express purpose of observing conditions. He was particularly interested in the middle west, and after stopping in New York and Philadelphia, he passed through Pennsylvania, Ohio, and Kentucky, and lived for several months in Jeffersonville, Indiana. He made a careful study of political and social conditions, but economic phenomena especially received his attention. His observations are discriminating, the criticisms dispassionate, the generalizations intelligent.

The accounts of the west that appear in the other volumes so far published, X, XI, XII, center around the colony of English emigrants that, promoted by two Englishmen of substance, Morris Birkbeck and George Flower, was established in southeastern Illinois at a place known later as English Prairie. The agricultural distress and political unrest at the close of the Napoleonic wars had led to the establishment of the colony. The same causes kept the eyes of Englishmen upon the experimental community and involved it in a war of pamphlets, in which William Cobbett was a leading and hostile spirit. Some of the reprints in the three volumes are thus marred by rancor, but, discounting that, give good accounts of the crude but prospering west. Volume X contains four reprints. Thomas Hulme's *Journal of a Tour in the Western Countries of America—September 30, 1818—August 8, 1819*, is removed from its original setting as a part of William Cobbett's diatribe *A Year's Residence in the United States of America* (London, 1828). The *Journal* is that of an honest English farmer bent on examining agricultural and social conditions, and his notes taken while he traveled over the Pennsylvania road and down the Ohio and through Illinois contain shrewd, useful, and, on the whole, favorable observations. Richard Flower, the father of the founder of the English Prairie settlement, who joined his son there in 1819, is represented by two reprints: *Letters from Lexington and the Illinois* (London, 1819) and *Letters from the Illinois* (London, 1822). He was "a man of culture and refinement" and his *Letters* are valuable on account of their sanity. He freely criticized slave institutions. Most of volume X however is devoted to *Two Years' Residence . . . in the Illinois Country* (London, 1822), by John Woods, a well-to-do English farmer, whose observations and impressions cover the years 1819-1821. He and his family traveled to Wheeling, thence took a flat-boat to Shawneetown, and thence walked to English Prairie.

He saw things in a favorable light, and his record on the life of the backwoodsmen and on the condition of the Ohio river towns is of distinct value.

Volumes XI and XII are devoted to William Faux's *Memorable Days in America* (London, 1823) and Adlard Welby's book, *A Visit to North America and the English Settlements in Illinois, with a Winter Residence at Philadelphia* (London, 1821). According to the editor, these two books were chosen for reprint, "in order to show what English provincials, predisposed toward quiet, orderly, rural life in Britain, found to annoy and disgust them in the seething, turbulent frontier West". Faux's observations were made in 1818-1819. After visits to the coast cities he spent two months in Illinois. He was brutally frank, and generalized, to the disadvantage of the west, from exceptional cases of depravity and injustice. Welby's account was also unfavorable, due possibly to his conservative disposition. Both, however, throw valuable light on western conditions and, taken in connection with some reprints in earlier volumes of the same series, may form "an interesting contrast", and "a drastic corrective".

A Political and Constitutional Study of the Cumberland Road. By Jeremiah Simeon Young, A.M. (Chicago, University of Chicago Press, 1904, pp. 107). The object of the author of this volume is to trace the origin, construction, administration, and surrender of the Cumberland road, keeping in mind two points of view: political influences, and constitutional bearing and significance. The treatment is in the main historical. About a third of the book is devoted to an account of the "early transportation difficulties", the "genesis" of the road, and the "location, construction, and administration of the road". Nothing new is presented here. It is, however, a clear and concise statement of the facts. The rest of the book is devoted to a discussion of the constitutional questions involved. The Cumberland road is treated as "a central thread running through the subject of internal improvements until 1856".

The main constitutional questions arising out of the building of the Cumberland road were: (1) Did Congress have the right to appropriate the money and build the road? (2) If Congress had such a right, did it have the right to take land for the purpose within a state by eminent domain? (3) The road being built, did Congress or the state have jurisdiction over it? Each of these questions the writer takes up and discusses in a logical manner, showing the views taken by the different Presidents and leading statesmen and the policy pursued by Congress. He misstates Monroe, however, I think, when he says (p. 68), "in his [Monroe's] opinion, the power to appropriate did not carry with it the power to construct". Monroe believed that Congress had the right to appropriate for, and with the consent of the state to construct, a national road. He did not believe that Congress had any jurisdiction over a road thus built nor could the states grant Congress any such

jurisdiction. For this reason he vetoed the Gate Bill.

The style of the author is both good and bad. It is clear, but marred by numerous repetitions of lines and even paragraphs, giving us the impression that the chapters were written at widely separated times. There is, moreover, an unfortunate failure of correspondence at times between the text and citations. In several instances the wrong volume of the Congressional documents is cited, and the writer is in error when he says that Franklin county, Ohio, still charges toll on the national road. The book is a very readable and logical discussion of a most interesting subject. It is marred, however, by certain faults of style and inaccuracies in details.

ALONZO H. TUTTLE.

The History of Negro Servitude in Illinois and of the Slavery Agitation in that State, 1719-1864. By N. Dwight Harris, Ph.D. (Chicago, A. C. McClurg and Company, 1904. pp. xi, 276.) This is a product of extensive and painstaking inquiry into the sources, and is a valuable contribution. Little attention is given to economic matters, but the questions of law, politics, and sentiment are treated with fullness. After showing the existence of downright slavery and quasi-slavery in Illinois, with their vicissitudes, down to about 1845, the author turns to the larger issues concerning slavery in the country as a whole, and discusses the part which citizens of Illinois played in the contests. Then, laying slavery aside, he concludes with a chapter upon the progress of sentiment in Illinois on the negro question from 1840 to 1875. In matters of detail Dr. Harris seems to be fairly unimpeachable; and as a repository of information his book will have its chief use. The generalizations which are happily not many are often weak; and the point of view is provincial. The author would probably be materially broadened by a sojourn in the blacker portions of the cotton belt or in the rice or sugar districts.

The book is not about the negro directly, but about quarrels about the negro. We are told (p. 242) that the negro in Illinois acquired certain privileges "only gradually and after a struggle"; but the struggle was clearly a struggle by white men and not by negroes. The passiveness of the black man is everywhere silently in evidence.

The author summarizes (pp. 241 and 240): "The people of that region [southern Illinois], as we have seen, were largely Southern in blood and sympathies. . . . These people . . . were as narrow-minded and stubborn as they were kind-hearted and hospitable." "In the southern section . . . the question is still a vital one. The negro is despised and hated as of old, and if a vote could now be taken, it would doubtless be astonishing to find what a large proportion of our citizens—not only in the south, but among the more liberal residents of the centre and north of Illinois—would ballot to deprive the negro of the right to vote or to hold office. But why this long and persistent opposition to the poor colored man?" The author explains it on the ground of race antipathy;

but he barely alludes to the inherited inequality of the races and the unfitness of negroes to conduct white men's governments. The quarrels of which the book gives a history were concerned with ideas more than with realities. Hardly realizing this, the author at times hints at fundamental things. As a sermon the book is a failure; as a monograph it is fairly successful, in spite of its frequent changes of subject; as a collection and analysis of data it is distinctly meritorious.

ULRICH B. PHILLIPS.

The sixth report of the Historical Manuscripts Commission of the American Historical Association, being the second volume of the *Annual Report of the American Historical Association for 1902* (Washington, 1903, pp. 527), contains the "Diary and Correspondence of Salmon P. Chase". This material was obtained by Professor Albert Bushnell Hart and others while Professor Hart was writing his life of Chase, and eventually passed into the Library of Congress. Only a selection of the correspondence has been used by the commission, and no attempt was made to obtain matter outside of this collection. Much of value and interest that was available is thus wanting, and this defect is not made good by a list of Chase's letters "elsewhere printed". It is unfortunate that a good opportunity has thus been lost. What is included in the volume is very good material, and shows Chase as the warm friend of the slave, the eager reformer, the critic of his superior, and the politician too eager for the highest office in the land. The gradual changes in his aims and character are only partially indicated, and certain phases of his career could easily have been treated in greater detail and with greater advantage to the work before us. But this defect is among the least important. Surely the American Historical Association should strive to attain the best results, if only as an example to other bodies or individuals engaged in the same line of study. The Calhoun Papers were a model of careful editing; the Chase volume has faults that are inexcusable, even allowing for the division of labor that a commission necessitates. The arrangement is very exasperating to the reader or student. The Diary (July–October, 1862) is first given; then follow Chase's letters (1846–1861); a separate section is given to Denison's letters to Chase (1862–1865); and finally come the letters to Chase from his correspondents (1842–1870). A chronological arrangement would have been more useful and consistent. This want of arrangement could in part have been made good by a fair index. The present index is so defective that we can only marvel at the publication. The omissions are really more numerous than the insertions, and in its present form it is practically useless. No attempt has been made to give the full names of individuals, and the notes, while good so far as they go, are not illuminating. To these faults of execution must be added one of taste. It is unusual for a gift to be publicly commended by the giver. Yet a member of the commission signs a report highly

praising his assumed liberality! Altogether the Association could have done better with so good material as the Chase papers offered.

G. U. E.

The Shenandoah Valley and Virginia, 1861 to 1865: a War Study. By Lieutenant-Colonel Sanford C. Kellogg, U. S. A. (New York and Washington, The Neale Publishing Company, 1903, pp. 247.) Colonel Kellogg was not only a writer on military subjects but also a close military student. He was the confidential aide on the staff of General George H. Thomas during the war, and member of the staff of General Sheridan while the latter was general of the army. With these advantages of inside knowledge, he was further prepared for presenting the valley campaigns by spending several summers among its people and by visits to its numerous battle-fields. The volume opens with an excellent condensation of the Confederate movements against Harpers Ferry where Robert E. Lee, Stonewall Jackson, and Joseph E. Johnston first came into prominence. The Patterson campaign receives concise and interesting treatment. This is followed by a clear and attractive account of McClellan's and Rosecrans's West Virginia campaigns. The use of the valley by the Confederates as a covered way for the notable advances of Lee, first into Maryland, and subsequently into Pennsylvania, and for Early's movement on Washington, well set forth its topographical importance on the Virginia theater of war. This fact, with the exceptional agricultural resources of the valley, is used to illustrate its vast military value to the Confederates.

Jackson's campaign of 1862 is vividly presented. Of its close, when Banks had been driven back to the Potomac, and Jackson was threatened on both flanks, Colonel Kellogg well says: "A more desperate situation, so successfully solved, would be difficult to find in the annals of war." A strong contrast is drawn between the "audacity and strategical eminence of Stonewall Jackson" and "the lack of capacity and want of cohesion on the part of his opponents". Till Sheridan came, this tells the story of the valley, as, till then, politics largely controlled the selection of those sent to command the Union forces. The difficulty of untangling the well-nigh countless and intricate movements of the campaigns sufficiently appears from the statement that Winchester was occupied or abandoned sixty-eight times by the troops of both armies.

The capitulation of Harpers Ferry presents in brief the features of the Antietam campaign; then follows a rapid review of the Jones and Imboden raid into West Virginia, the Gettysburg campaign, and the second battle of Winchester, the Averill raids of 1863, the New Market and Lynchburg campaigns, and Early's attack on Washington and return to the valley. Each of these movements, in a period which extended over two years from August, 1862, is sufficiently treated to give an intelligent view of a complicated and ever-changing situation. Then comes a lively history of Sheridan's brilliant command, including the battles of Opequon, Fisher's Hill, Tom's Brook, Cedar Creek, and the subsequent cavalry movements.

The absence of maps is a serious defect. These had been prepared with care, but were postponed to a second edition. There are, also, some minor errors which would have been corrected had Colonel Kellogg lived to revise the first edition. But he suddenly died while he had that work under consideration. Altogether, it is the most satisfactory presentation of the valley campaigns yet issued.

H. V. BOYNTON.

The Political History of Virginia during the Reconstruction. By Hamilton James Eckenrode. [Johns Hopkins University Studies, Series XXII, Nos. 6, 7, 8.] (Baltimore, Johns Hopkins Press, 1904, pp. 128.) This work is what its title suggests: a political history of Virginia during the years 1866 to 1870. To what strange shifts are men sometimes driven by the force of circumstances! From 1861 to 1865 there were always two, and sometimes three, state governments within the bounds of Virginia, each claiming the allegiance of the people and requiring the payment of taxes. First there were the Richmond authorities with Governor Letcher at the head and supported by a legislature and regular court system—Jefferson Davis and the Confederate States recognizing this as organized Virginia; then there was during 1861 to 1863 Governor Peirpont's legislature, courts, etc., at Wheeling, claiming to be the legislative authority in the Old Dominion. Lincoln and the United States recognized this as organized Virginia; and when the western Virginians, finding themselves in a hopeless minority, seceded from the regular state government, with Peirpont's consent, the Washington government, then in a great war against the principle of secession, gladly recognized the seceders on the ground that a republican form of government did not prevail in Virginia. When Governor Peirpont finds the revolt complete he declines to be governor of the new state but still maintains that he is the lawful executive of the Old Dominion. He withdraws from Wheeling and makes the old town of Alexandria the seat of authority, the eastern shore of Virginia—two counties, Norfolk, Alexandria, and Fairfax county being the state, the governed. The President of the United States continued to regard this as Virginia.

It was this last-named nucleus of a government which came to be Virginia proper in 1865 when the seceders had been overthrown and when President Johnson began his plan of reconstruction. How this shadowy government finally came to command the allegiance of the people of the state, how the thirteenth, fourteenth, and fifteenth amendments to the national Constitution received the sanction of Virginia, how, in a word, the Old Dominion was brought back into the Union on a new basis, is the task which Mr. Eckenrode sets himself. And right well has he performed it. The method of the author is truly critical, the use of the sources is satisfactory—the Richmond newspaper files being drawn upon to great advantage, and the conclusions arrived at are unquestionably justifiable and as accurate as the nature of the

subject will permit. Perhaps the most noteworthy features of the monograph are the accounts of the failure of the radical Republicans to control the situation in the *finalc* of the long struggle; the manipulation of the conservative forces of the state by William Mahone, a brigadier in Lee's army; and the complete loss of prestige by one of the state's most masterful men, John Minor Botts. The author says in conclusion that the negroes gained the right to vote, to share in the public schools, to move freely from place to place, but that voting by them was so hedged about by the white race that the negro only once actually exercised potent influence on affairs. Thus the main object of the national government was not attained, as in the nature of things it could not be.

Two so-called lay sermons, by Amos Griswold Warner, dealing with important public questions, and a short biography of Warner by Professor George E. Howard, are also published in this volume.

WILLIAM E. DODD.

Two very entertaining volumes that will prove of marked interest to the general reader, and may be of considerable service to the historical student, are the *Autobiography, Memories, and Experiences of Moncure Daniel Conway* (Houghton, Mifflin, and Company, 1904). They give a detailed account of an eventful but not adventurous life from the time of the writer's birth in Virginia in 1832 down almost to the time of publication, discussing freely and intimately matters not only of personal experience, but of literary, social, and political concern. Their character is such, however, that they defy the ordinary arts of the reviewer, and, unless one could take the space to give a thorough description of their contents, he must content himself with a word of commendation for their general readability and attractiveness. There seem to have been few movements affecting the welfare of mankind during the last sixty years in which the writer has not had his share or of which he has little or nothing to say.

The American Constitutional System: an Introduction to the Study of the American State. By Westel Woodbury Willoughby, Associate Professor of Political Science at the Johns Hopkins University. (New York, The Century Company, 1904, pp. xvi, 323.) This is the initial volume of a new series entitled "The American State", and is the work of the general editor of the series. Volumes the primary object of which is the description of the organization and operation of the governmental agencies of the United States cannot be criticized if they do not deal at length with matters of history; but this introductory volume, the aim of which is to disclose "the constitutional character of the American State", is quite as important from the historical as from the juristic standpoint. The first four chapters are devoted to the much-vexed question of the nature of the Union. The writer traces the growth of nationality in the United States and sets forth briefly but accurately the various views of the Union put forward from time

to time. Adopting the view that the individual states were sovereign under the Articles of Confederation, the writer finds nevertheless that their sovereignty was surrendered when they ratified the Constitution and that a new union was established, the constituent members of which could not secede. The fourth chapter is a particularly clear statement in brief compass of the theory and practice of secession, coercion, and reconstruction.

In a series of illuminating chapters, the writer discusses such important phases of our constitutional system as "The Supremacy of Federal Law", "Federal Control of State Governments", "Federal and State Autonomy", "Federal and State Powers", and "Coercion of State Action". Throughout he sustains his argument by extensive citations from the opinions of the Supreme Court. Especially valuable are the chapters dealing with the questions growing out of the annexation of territory and the relations with our new dependencies. In treating the Insular Tariff Cases the argument of the dissenting justices is stated *in extenso*, since the writer shares with many the belief that the opinion of the minority is the better law and may yet prevail.

It is a pleasure to commend this little volume for its clear arrangement, its lucidity of statement, and its accuracy. In saying (p. 166) that Congress has exercised "to but a comparatively slight extent" its power to control the election of members of Congress, the author seems to have overlooked the fact that Congress has exhausted its authority over the election of senators (*U. S. Statutes at Large*, XIV, 243). The Dred Scott case was decided in 1857, not 1856 (p. 243); Ohio was admitted to the Union in 1803, not 1802 (p. 265); and Utah in 1896, not 1894 (p. 266).

LAWRENCE B. EVANS.

The Police Power, Public Policy, and Constitutional Rights. By Ernst Freund, Professor of Jurisprudence and Public Law in the University of Chicago. (Chicago, Callaghan and Company, The University of Chicago Press, 1904, pp. xcii, 819.) Professor Freund has chosen an elusive subject. What is the police power? The courts have been cautious in setting bounds to it by attempts at definition. In the License Cases (5 *Howard's Reports*, 583) Chief-justice Taney remarks that the police powers of a state "are nothing more or less than the powers of government inherent in every sovereignty to the extent of its dominions". Professor Freund would differentiate it from other governmental powers, as being that which aims directly to secure and promote the public welfare, and does so by restraint and compulsion with respect to the use of liberty and property (pages iii and 3). It may be doubted whether the distinctions thus suggested exist. Government exists legitimately only to promote the public welfare, and its laws are imperfect unless they carry some sanction tending to restrain the liberty or take from the property of those who may violate them. The essence of the police power, he says subsequently (pp. 6, 31), is

that it prevents wrong-doing by narrowing common-law rights through conventional restraints and positive regulations not confined to the prohibition of wrong-doing. This is a helpful suggestion. The object of the power is thus made the anticipation of a social wrong and the restraining of the individual in the interest of society from doing, under certain circumstances, what he would have a right to do under other circumstances. Its scope is presented as limited in the United States more narrowly than elsewhere by Constitutional provisions; thus excluding from it, in the main, moral, intellectual, and political movements, and whatever belongs to the realm of the ideal (pp. 9, 11, 13). Nevertheless, legislation for the special protection of the workingman, in prescribing short hours, etc., may, he argues (p. 17), be vindicated as promoting a new conception of social justice, consisting in the neutralization of natural inequality by the power of the state. Little is said of the mass of police legislation in the colonial era, and comparatively little of the laws of either ancient or modern Europe.

As compared with Tiedeman's work on the same topic, Professor Freund's is both more elaborate and more philosophic. That of Alfred Russell (*AMERICAN HISTORICAL REVIEW*, VII, 176) was mainly confined to American judicial decisions on measures of state police. The book treating the subject broadly from the point of view of a historical student is yet to be written.

SIMEON E. BALDWIN.